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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,054	05/11/2006	Andy Zheng Song	128012	1387
25944	7590	01/05/2009	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				PHANTANA ANGKOOL, DAVID
ART UNIT		PAPER NUMBER		
2175				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/579,054	SONG, ANDY ZHENG	
	<b>Examiner</b>	<b>Art Unit</b>	
	David Phantana-angkool	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 October 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-6,8,10-12,14-16 and 29-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1, 3-6, 8, 10-12, 14-16, 29-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This application has been reassigned to Examiner David Phantana-angkool.
2. This action is responsive to the following communications: RCE filed on October 16<sup>th</sup>, 2008.
3. Claims 1, 3-6, 8, 10-12, 14-16 and 29-35 are pending claims.
4. Applicant amended claims 1 and 8.

### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 16<sup>th</sup>, 2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3, 5, 8, 10, 14-16, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oross, US# 6,757,002 in view of Westerman et al., US# 6,888,856 (hereinafter Westerman).**

#### **As for independent claim 1:**

Oross shows a method of entering input into a computing system, the method comprising the following steps:

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- *detecting one or multiple input movements using a sensing panel associated with the computing system* (Fig. 1B, 4:19-21; the position detection device 16 is a digitizer of the resistive- type or capacitive type, and includes one or more active layers 20 that sense finger position);
- *classifying each detected input movement as being of a particular type* (3:37-44, the certain area corresponds to a certain function);
- *translating each input movement to an instruction signal by consulting a knowledge database* (11:25-35);
- *transmitting the instruction signal to the computing system* (4:42-45);
- *wherein translation of a detected input movement to an instruction signal involves a main process and one or more sub-processes, wherein each sub-process is invoked by the main process in response to a particular type of detected input movement* (column 4, column 5:62-17, and column 10:47-58; the position of such finger is detected by the active layer(s) 20 with signals being routed to the controller 22. Control signals then are forwarded to the host computing apparatus 12 indicative of the finger position),

Oross does not specifically show the whole sensing panel functions as a single sensing area and the main process and one or more sub-processes can be invoked regardless of the location of the detected input movement on the sensing panel. However in the same field of endeavor Westerman teaches the whole sensing panel functions as a single sensing area and the main process and one or more sub-processes can be invoked regardless of the location of the detected input movement on the sensing panel in column 6, lines 58-67 and column 13, lines 14-19. Both Oross and Westerman teach a touch screen panel. Accordingly it would have been obvious to a skilled artisan at the time of the invention was made to modify the touch screen as shown by Oross to incorporate the multi-touch surface as taught by Westerman, thus allowing the system to recognize and distinguishing different types of manual input such as typing, multiple degree of freedom manipulation, and handwriting on a multi-touch surface (Westerman, 6:60-65).

**As for dependent claim 3:**

Oross shows a *method of entering input into a computing system according to claim 1, wherein each*

*particular type of input movement is associated with operation of the sensing panel in any one of the following modes: (a) keyboard modes; (b) mouse modes; (c) scripting modes (Fig. 15 and 7:43-56);*

**As for dependent claim 5:**

Oross shows a *method of entering input into a computing system according to claim 29, wherein each invoked sub process claims a region of the sensing panel such that any input movements received via the claimed region of the sensing panel will be translated by the sub process having claimed the region (Figs. 2 and 13, 5:41-45).*

**As for independent claim 8:**

Claim 8 contains similar substantial subject matter as claimed in claim 1, and is respectfully rejected along the same rationale.

**As for dependent claim 10:**

Claim 10 contains similar substantial subject matter as claimed in claim 3, and is respectfully rejected along the same rationale.

**As for dependent claim 14:**

Oross shows an *input system according to claim 8, further including a movement indicating device, wherein the input movements detected are the movements of the movement indicating device, the movement of which across the surface of the panel indicates an instruction signal to move in the direction indicated with the movement indicating device (Oross 5:10-17 and Fig. 1 B; the user moves a finger in a direction 30, a cursor 14 on a display screen 32 of the host computing apparatus 12 is moved in a corresponding direction 37. The magnitude and speed of the motion 34 is determined by the executed program or user-selectable parameters accessed by the executed program).*

**As for dependent claim 15:**

Oross shows an *input system according to claim 14, wherein an application of pressure to the movement indicating device causes an input movement which is interpreted by the processor as indicating an instruction signal to move downwards, and reducing the pressure applied to the movement indicating device causes an input movement which is interpreted by the processor as indicating an instruction signal to move upwards (1:34-39 and 3:43-45).*

**As for dependent claim 16:**

Oross shows an *input system according to claim 14, wherein the amount of pressure being applied to the movement indicating device is detected by reference to the size of an area of contact between the fingers or movement indicating device and the surface of the panel, or by reference to change in size of an area of contact between the fingers or movement indicating device and the surface of the panel* (1:34-39 and 3:43-45).

**As for dependent claim 29:**

Oross shows a *method of entering input into a computing system according to claim 3, wherein the main process and one or more sub-processes together form a hierarchical control structure in which the main process determines whether an input movement corresponds to a prompt to invoke a particular mode, and where a particular mode is indicated, the main process invokes a sub-process in that mode* (10:47-58)

**As for dependent claim 30:**

Oross shows a *method of entering input into a computing system according to claim 5, wherein once the claiming sub process is complete, the claimed region reverts to an unclaimed status* (Fig. 13).

**As for dependent claim 31:**

Oross shows an *input system according to claim 11, wherein the sensors detect light patterns which are transformed into images and an input movement is detected when a first image differs from a subsequently formed second image* (Figs. 2 and 13, 5:41-45).

**As for dependent claim 32:**

Oross shows an *input system according to claim 8, wherein the sensing panel further includes a display layer for guiding user input* (columns 9 and 10).

**As for dependent claim 33:**

Oross shows an *input system according to claim 8, wherein the knowledge database is dynamic to enable the association between an input movement and a corresponding instruction signal to be redefined to adapt the input system to preferences of an individual user* (7:35-65).

**As for dependent claim 34:**

Oross shows a *computer-readable recording medium encoded with a computer program, the computer program for use in a system for entering input into a computing system, the system comprising a processor and associated memory device for storing the computer software including a series of instructions to cause the processor to carry out a method according to claim 1* (Fig. 1A, see rejection details in claim 1 above).

**As for dependent claim 35:**

Oross shows an *input device for use with a computing system for entering input into the computing system, the input device comprising a sensing panel and a transmission component for transmitting detected input movements to a processor to identify an instruction signal corresponding to the detected input movement in accordance with the method according to claim 1* (Figs. 1A, 1B, and 2).

8. **Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oross, US# 6,757,002 in view of Westerman et al., US# 6,888,856 (hereinafter Westerman), and in further view of Geaghan et al., US 2003/0063073 A1 (hereinafter Geaghan).**

**As for dependent claim 4:**

Oross shows a method of entering input into a computing system. Oross does not specifically show a *method of entering input into a computing system according to claim 1, wherein the main process manages the one or more sub-processes by assigning a priority value to each sub process such that a sub process having a minor priority value does not impede a sub process having a major priority value*.

However in the same field of endeavor Geaghan teaches *wherein the main process manages the one or more sub-processes by assigning a priority value to each sub process such that a sub process having a minor priority value does not impede a sub process having a major priority value* in Abstract. Geaghan teaches a touch panel systems and methods are disclosed that can temporally overlapping touch inputs from single touch inputs so that valid touch position coordinates can be determined. Touch panel systems and methods of the present invention can distinguish overlapping touches by comparing signal magnitudes to specified thresholds, by comparing the rates of change of signal magnitudes or measured positions to determined parameters, by locating the proximity a calculated location to icons or other such

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active areas, and the like. Because touch panel systems and methods of the present invention can discriminate single touches from double touches, they can be used in multiple user applications such as multiplayer games as well as in applications that may be subject to rapidly successive or overlapping touch inputs. Accordingly it would have been obvious to a skilled artisan at the time of the invention was made to modify Oross's and Westerman's touch panel to incorporate priority aspect as taught by Geaghan, thus allowing the system to distinguish rapid successive or overlapping touch inputs.

**As for dependent claim 6:**

Claims 6 contains similar substantial subject matter as claimed in claim 4 and is respectfully rejected along the same rationale.

9. **Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oross, US# 6,757,002 in view of Westerman et al., US# 6,888,856 (hereinafter Westerman), and in further view of Umeya et al., US# 6,028,581 (hereinafter Umeya).**

**As for dependent claims 11 and 12:**

Oross and Westerman do not specifically show *sensors for detecting input movements are complementary metal oxide semiconductor sensors and light detecting sensors*. In the same field of endeavor Umeya teaches *sensors for detecting input movements are complementary metal oxide semiconductor sensors and light detecting sensors* and sensors detect light patterns which are transformed into images and an input movement is detected when a first image differs from a subsequently formed second image in FIG.7, wherein second transistor is a TFT switch that forms part of a metal-oxide semiconductor (MOS) image sensor array including a photo diode and a micro lens. The second transistor causes an input to be sensed by the LCD. The inputs sensed by the LCD include image inputs and inputs from a pen and a human touch. The first and second transistors are fabricated on the same side of the same substrate. (Umeya, See Abstract). It would be obvious to a skilled artisan at the time of the invention was made to modify Oross's and Westerman's touch panel input to incorporate metal-oxide semiconductor to capture image as taught by Umeya. The motivation to combine Oross's and Westerman's touch panel input with Umeya's metal-oxide semiconductor to capture image would be to allow the built-in self-scan feature of the ASR image sensor which requires no external shift register.

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Another advantage would be MOS processing is used which should enable image sensors to be made at less cost. A third possible advantage is that the MOS ASR image sensor can operate at lower light levels than conventional bipolar image sensors. Applicant should duly note that Metal-oxide semiconductor sensors are using light to detect movements

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).**

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating “in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” Further MPEP 2123, states that “a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 3-6, 8, 10-12, 14-16 and 29-35 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP  
/David Phantana-angkool/  
Examiner, Art Unit 2175

/WILLIAM L. BASHORE/  
Supervisory Patent Examiner, Art Unit 2175